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J. M. Wheaton,

1861.

Catalogue of the birds of Ohio—Addenda.

FROM

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1861.

CATALOGUE OF THE BIRDS OF OHIO.

BY J. M. WHEATON, OF COLUMBUS.

In the year 1838, Prof. Kirtland, then State Zoologist and Botanist, prepared a Catalogue of Ohio Birds which was considered very nearly complete. Since that time, however, by the observations of several scientific men, among whom no one has been more enthusiastic or successful than Prof. Kirtland himself, new species have been discovered and others added to our fauna. Some which were then rare are now common. Many then common have now retired from our limits, or are very rare.

These recent observations have never, to our knowledge, appeared in tangible form; and it is for the purpose of presenting a brief and concise view of our birds that this catalogue is published. It is not pretended that it is entirely complete. No species have been inserted but on good authority; several which might have been inserted on implied authority are given in a subsequent list.

We have adopted the classification and nomenclature of Prof. Baird in his Report on North American Birds, (Pacific R. R. Exploring Expedition, vol. IX), with the exception that the authors of genera are indicated, at the same time giving credit to the one describing the species under the given specific name. This method, while it is not in accordance with the rules of either class of synoymists, has the advantage that it combines some of the merits of both, and in a catalogue of this kind, strict adherance to disputed rules may be avoided for the advantage gained.

The physical geography of this State and its surroundings determine the distribution of the birds in a manner worthy of notice. Having no sea coast, our State is never visited by strictly marine birds. Its northern boundary being along the lake, the weather is more moderate in that vicinity in winter than in other localities of the same latitude. Hence, northern birds do not penetrate far into the State in winter. The Ohio river seems to form a more distinct boundary to the migrations of southern birds in summer than it does in States more particularly in the

Mississippi Valley. New York has a greater number of northern birds in winter, and Pennsylvania a greater number of southern birds in summer, than Ohio; while in Illinois and Wisconsin the northern and southern and eastern and western birds are to be found within the same limits in their appropriate season. From this, it appears that Ohio has a larger proportion of resident birds than surrounding States, and its ornithological fauna may be taken as the type of this latitude east of the Mississippi river.

It would also be interesting to notice the distribution of birds within the State during the breeding season, but our limited observations, confined almost entirely to the vicinity of Columbus, will not permit.

For the names of many species inhabiting northern Ohio, and for other valuable information, I am indebted to Mr. M. C. Read, of Hudson, O., Messrs. Jno. Kirkpatrick and R. K. Winslow, of Cleveland, and Prof. S. F. Baird, of the Smithsonian Institute, Washington, D. C.

CATALOGUE.

The asterisk (*) refers to a corresponding No. in the Notes.

ORDER I. RAPTORES.

Family VULTURIDÆ.

Sub-family Vulturinæ.

*1. Cathartes, Illiger. aura, Linnæus. Turkey Buzzard.
2. " atratus, Bartram. Carrion Crow.

Family FALCONIDÆ.

Sub-family Falconinæ.

3. Falco, L. anatum, Bonaparte. Duck Hawk.
4. " columbarius, L. Pigeon Hawk.
5. " sparverius, L. Sparrow Hawk.

Sub-family Accipitrinæ.

6. Astur, Lacipede. atricapillus, Wilson. Goshawk.
7. Accipiter, Brisson. Cooperii, Bon. Cooper's Hawk.
8. " fucus, Gmelin. Sharp-shinned Hawk.

Sub-family Buteoninæ.

9. Buteo, Cuvier. borealis, Gm. Red-tailed Hawk.
10. " lineatus, Gm. Red-shouldered Hawk.
11. " pennsylvanicus, Wils. Broad-winged Hawk.

12. Archibuteo, Brehm. lagopus, Gm. Rough-legged Hawk.
13. " sancti-johannis, Gm. Black Hawk.

Sub-family Milvinæ.

14. Nauclerus, Vigors. furcatus, L. Swallow-tailed Hawk.
15. Circus, Lac. hudsonius, L. Marsh Hawk.

Sub-family Aquilinæ.

16. Aquila, Mœhring. canadensis, L. Golden Eagle.
17. Haliætus, Savigny. Washingtonii, Audubon. Washington Eagle.
18. " leucocephalus, L. White-headed Eagle.
19. Pandion, Sav. carolinensis, Gm. Fish Hawk.

Family STRIGIDÆ.

Sub-family Striginæ.

20. Strix, L. pratincola, Bon. Barn Owl.

Sub-family Buboninæ.

21. Bubo, Cuv. virginianus, Gm. Great Horned Owl.
22. Scops, Sav. asio, L. Mottled Owl.
23. Otus, Cuv. Wilsonianus, Lesson. Long-eared Owl.
24. Brachyotus, Gould. Cassinii, Brewer. Short-eared Owl.

Sub-family Syrninæ.

25. Syrnium, Sav. cinerium, Gm. Great Gray Owl.
26. " nebulosum, Forster. Barred Owl.
27. Nyctale, Brehm. acadica, Gm. Acadian Owl.

Sub family Nycteininæ.

28. Nyctea, Stephens. nivea, Daudin. Snowy Owl.
29. Surnia, Dumeril. ulula, L. Hawk Owl.

ORDER II. SCANSORES.

Family PSITTACIDÆ.

*30. Conurus, Kuhl. carolinensis, Briss. Carolina Parrot.

Family CUCULIDÆ.

*31. Coccyzus, Vieillot. americanus, L. Yellow-billed Cuckoo.
*32. " erythropthalmus, Wils. Black-billed Cuckoo.

Family PICIDÆ.

Sub-family Picidæ.

33. Picus. villosus, L. Hairy Woodpecker.
*34. " pubescens, L. Downy Woodpecker.
35. Sphyrapicus, Baird. varius, L. Yellow-bellied Woodpecker.
*36. Hylatomus, B. pileatus, L. Black Logcock.
37. Centurus, Swainson. carolinus, L. Red-bellied Woodpecker.
*38. Melanerpes Sw. erythrocephalus L. Red-headed Woodpecker.
*39. Colaptes Sw. auratus L. Flicker.

ORDER III. INCESSORES.

Sub-Order A STRISORES.

Family TROCHILIDÆ.

40. Throchilus, L. colubris, L. Ruby-Throated Humming Bird.

Family CYPSELIDÆ.

41. Chætura, Steph., pelasgia, L. Chimney Swallow.

Family CAPRIMULGIDÆ.

*42. Antrostomas, Gould. vociferus, Wils. Whip-poor-will.
43. Chordeiles, Baird. popetue, Vieill. Night Hawk.

Sub-Order B. CLAMATORES.

Family ALCEDINIDÆ.

44. Ceryle, Boie. alcyon, L. Kingfisher.

Family COLOPTERIDÆ.

45. Tyrannus, Cuv. carolinensis, Baird. King Bird.
46. Myiarchus, Cab. crinitus, L. Crested Fly-catcher.
47. Sayornis, Bon. fuscus, Gm. Pewee.
48. Contopus, Cab. virens, L. Wood Pewee.
*49. Empidonax, Cab. Triallii Aud. Triall's Flycatcher.
*50. " minimus, Baird. Least Flycatcher.
*51 " acadicus, Gm. Small Green-crested Elycatcher.
*52 " flaviventris, Baird. Yellow-bellied "

Sub-Order C. OSCINES.

Family TURDIDÆ.

Sub-family Turdinæ.

53. Turdus, L. mustelinus, Gm. Wood Thrush.
54. " pallasii, Cab. Hermit Thrush.
55. " fuscesens, Steph. Wilson's Thrush.
56. " migratorius, L. Robin.
57. Sialia, Sw. sialis, L. Blue Bird.

Sub-family Regulinæ.

58. Regulus, Cuv. calendula, Licht. Ruby-crowned Wren.
59 " satrapa, L. Golden-crested Wren.

Family SYLVICOLIDÆ.

Sub-Family Motacillinæ.

*60. Anthus, Bechstein. ludovicianus, Licht. Tit Lark.

Sub-family Sylvicolinæ.

61. Mniotilta, Vieill. varia, L. Black and White Creeper.
62. Parula, Bon. americana, L. Blue Yellow-backed Warbler.
*63. Protonotaria, Baird. citrea, Bodd. Prothonotary Warbler.
64. Geothlypis, Cab. trichas, L. Maryland Yellow-throat.
*65. " philadelphia, Wils. Mourning Warbler.
66. Oporornis, Baird. agilis, Wils. Conneticut Warbler.
67. " formosus, Wils. Kentucky Warbler.
68. Icteria, Vieill. viridis, Gm. Yellow-breasted Chat.
69. Helmitherus, Raf. vermivorus, Gm. Worm-eating Warbler.
70. Helminthophaga, Cab. pinus, L. Blue-winged Yellow Warbler.
71. " chrysoptera, L. Golden-winged Warbler.
72. " ruficapilla, Wils. Nashville Warbler.
73. " peregina, Wils. Tennessee Warbler.
*74. " celata, Say. Orange-crowned Warbler.
75. Seiurus, Sw. aurocapillus, L. Golden-crowned Thrush.
76. " noveboracensis, Gm. Water Thrush.
*77. " ludovicianus, Vieill. Large-billed Water Thrush.
78. Dendroica, Gray. virens, Gm. Black-throated Green Warbler.
79. " canadensis, L. Black-throated Blue Warbler.
80. " coronata, L. Yellow-rump Warbler.

81. Dendroica, Blackburniæ, Gm. Blackburnian Warbler.
82. " castanea, Wils. Bay-breasted Warbler.
83. " pinus, Wils. Pine Creeping Warbler.
84. " pennsylvanica, L. Chestnut-sided Warbler.
*85 " cærulea, Wils. Blue Warbler.
86. " striata, Forster. Black-poll Warbler.
87. " æstiva, Gm. Yellow Warbler.
88. " maculosa, Gm. Black and Yellow Warbler.
*89. " Kirtlandii. Baird. Kirtland's Warbler.
90. " tigrina, Gm. Cape May Warbler.
91. " palmarum, Gm. Yellow Red Poll Warbler.
92. " superciliosa, Bodd. Yellow-throated Warbler.
93. " discolor, Vieill. Prairie Warbler.
94. Myiodioctes, Aud. mitratus, Gm. Hooded Warbler.
95. " pusillus, Wils. Green Black-cap Flycather.
96. " canadensis, L. Canada Flycatcher.
97. Setophaga, Sw. ruticilla, L. Redstart.

Sub-family Tanagrinæ,

98. Pyranga, Vieill. rubra, L. Scarlet Tanager.
*99. " æstiva, Gm. Summer Red Bird.

Family HIRUNDINIDÆ.

Sub-family Hirundininæ.

100. Hirundo, L. horreorum, Barton. Barn Swallow.
*101. " lunifrons, Say. Cliff Swallow.
102. " bicolor, Vieill. White-bellied Swallow.
103. Cotyle, Boie. riparia, L. Bank Swallow.
*104. " serripennis, Aud. Rough-winged Swallow.
105. Progne, Boie. purpurea, L. Purple Martin.

Snb family Bombacillinæ.

*106. Ampelis, L. garrulus, L. Bohemian Wax Wing.
107. " cedrorum, Vieill. Cedar Bird.

Family LANIIDÆ.

*108. Collyrio, Mœhring. borealis, Vieill. Northern Shrike.

Sub family Vireoninæ.

109. Vireo, Vieill. olivaceus, L. Red-eyed Vireo.
110. " gilvus, Vieill. Warbling Vireo.

*111. Vireo, philadelphicus, Cassin.
112. " noveboracensis, Gm. White-eyed Vireo.
*113. " solitarius, Wils. Blue-headed Vireo.
114. " flavifrons, Vieill. Yellow-throated Vireo.

Family LIOTRICHIDÆ.

Sub-family Miminæ.

*115. Mimus, Boie. polyglottus, L. Mocking bird.
116. " carolinensis, L. Cat Bird.
117. Harporhynchus, Cab. rufus, L. Brown Thrush.

Sub-family Troglodytinæ.

*118. Thriothorus, Vieill. ludovicianus, Lath. Great Carolina Wren.
119. Cistothorus, Cab. palustris, Wils. Long-billed Marsh Wren.
*120. " stellaris, Licht. Short-billed Marsh Wren.
121. Troglodytes, Vieill. ædon, Vieill. House Wren.
122. " hyemalis, Vieill. Winter Wren.

Family CERTHIADÆ.

Sub-family Certhianæ.

123. Certhia, L. americana, Bonap. American Creeper.
124. Sitta, L. carolinensis, Gm. White-bellied Nuthatch.
125. " canadensis, L. Red-bellied Nuthatch.
*126. " pusilla, Lath. Brown-headed Nuthatch.

Family PARIDÆ.

127. Polioptila, Sclater. cærulea, L. Blue Grey Flycatcher.

Sub-family Parinæ.

128. Lophophanes, Kaup. bicolor, L. Tufted Titmouse.
129. Parus, L. atricapillus, L. Black-capped Tit.

Family ALAUDIDÆ.

*130. Eremophila, Boie. cornuta, Wils. Shore Lark.

Family FRINGILLIDÆ.

Sub-family Cocothraustinæ.

*131. Hesperiphona, Bon. vespertina, Bon. Evening Grosbeak.
*132. Pinicola, Vieill. canadensis, Briss. Pine Grosbeak.
*133. Carpodacus, Kaup. purpureus, Gm. Purple Finch.
134. Chrysomitris, Boie. tristis, L. Yellow Bird.
135. " pinus, Wils. Pine Finch.

*136. Curvirostra, Scop. americana, Wils. Red Crossbill.
*137. " leucoptera, Gm. White-winged Crossbill.
138. Aegiothus, Cab. linaria, L. Lesser Red Poll.
139. Plectrophanes, Meyer. nivalis, L. Snow Bunting.
140. " lapponicus, L. Lapland Long-spur.

Sub-family Spizellinæ.

140. Passerculus, Bon. savanna, Wils. Savannah Sparrow.
142. Poocætes, Baird. gramineus, Gm. Grass Finch.
143. Coturnculus, Bonap. passerinus, Wils. Yellow-winged Sparrow.
*144. " Henslowi, Aud. Henslow's Bunting.
*145. Chondestes, Sw. grammaca, Say. Lark Finch.
146. Zonotrichia, Sw. leucophrys, Foster. White-crowned Sparrow.
147. " albicollis, Gen. White-throated Sparrow.
148. Junco, Wagler. hyemalis, L. Snow Bird.
149. Spizella, Bonap. monticola, Gen. Tree Sparrow.
150. " pusilla, Wils. Field Sparrow.
151. " socialis, Wils. Chipping Sparrow.
152. Melospiza, Baird. melodia, Wils. Song Sparrow.
153. " palustris, Wils. Swamp Sparrow.

Sub-family Passerellinæ.

154. Parserella, Sw. iliaca, Merrem. Fox-colored Sparrow.

Sub-family Spizinæ.

*155. Euspiza, Bonap. americana, Gm. Black-throated Bunting.
*156. Guiraca, Sw. ludoviciana, L. Rose-breasted Grosbeak.
*157. Cyanospiza, Baird. cyanea, L. Indigo Bird.
158. Cardinalis, Bonap. virginianus, Briss. Red Bird.
159. Pipilo, Vieill. erythropthalmus, L. Ground Robin.

Family ICTERIDÆ.

Sub-family Agelainæ.

*160. Dolichonyx, Sw. oryzivorus, L. Boblink.
*161. Molothrus, Sw. pecoris, Sw. Cow Blackbird.
162. Agelaius, Vieill. phœniceus, L. Red-winged Blackbird.
163. Sturnella, Vieill. magna, L. Meadow Lark.

Sub-family Icterinæ.

164. Icterus, Daud., spurious, L. Orchard Oriole.
165. " Baltimore, L. Baltimore Oriole.

Sub-family QUISCALINÆ.

166. SCOLECOPHAGUS, Sw. ferrugineus, Gm. Rusty Blackbird.
167. QUISCALUS, Vieill. versicolor, Vieill. Crow Blackbird.

FAMILY CORVIDÆ.

Sub-family CORVINÆ.

168. CORVUS, L. carnivorus, Bartram. Raven.
169. " americanus, Aud. Common Crow.

Sub-family GARRULINÆ.

170. CYANURUS, Sw. cristatus, L. Blue Jay.
171. PERISOREUS, Bonap. canadensis, L. Canada Jay.

ORDER IV. RASORES.

SUB-ORDER A. COLUMBÆ.

FAMILY COLUMBIDÆ.

Sub-family COLUMBINÆ.

172. ECTOPISTES, Sw. migratoria, L. Wild Pigeon.

Sub-family ZENAIDINÆ.

173. ZENAIDURA, Bonap. carolinensis, L. Common Dove.

SUB-ORDER B. GALLINÆ.

FAMILY PHASIANIDÆ.

Sub-family MELEAGRINÆ.

174. MELEAGRIS, L. gallipavo, L. Wild Turkey.

FAMILY TETRAONIDÆ.

*175. TETRAO, L. canadensis, L. Canada Grouse.
*176. CUPIDONA, Reich. cupido, L. Prairie Hen.
*177. BONASA, Steph. umbellus, L. Pheasant.

FAMILY PERDICIDÆ.

Sub-family ORTYGINÆ.

*178. ORTYX, Steph. virginianus, L. Common Quail.

ORDER V. GRALLATORES.

Sub-Order A. HERODIONES.

Family GRUIDÆ.

*179. Grus, L. americanus, L. Whooping Crane.

Family ARDEIDÆ.

*180. Garzetta, Bonap. candidissima, Gm. Snowy Heron.
*181. Herodias, Boie. egretta, Gm. White Heron.
*182. Ardea, L. herodia, L. Great Blue Heron.
183. Ardetta, Gray. exilis, Gm. Least Bittern.
184. Botaurus, Steph. lentiginosus, Steph. Bittern.
185. Butorides, Blyth. virescens, L. Green Heron.
*186. Nyctiardea, Sw. Gardeni, Gm. Night Heron.

Family TANTALIDÆ.

*187. Ibis, Moehring. Ordii, Bonap. Glossy Ibis.

Sub-Order B. GRALLÆ.

Family CHARADRIDÆ.

188. Charadrius, L. virginicus, Borck. Golden Plover.
189. Aegialitis, Boie. vociferus, L. Kildeer Plover.
190. " semipalmatus, Bon. Semi-palmated Plover.
*191. " melodus, Ord. Piping Plover.
192. Squartarola, Cuv. helvetica, L. Black-bellied Plover.

Family HÆMATOPIDÆ.

*193. Strepsilas, Ill. interpres, L. Turnstone.

Family RECURVIROSTRIDÆ.

*194. Recurvirostra, L. americana, Gm. American Avosit.

Family PHALAROPIDÆ.

*195. Phalaropus, Briss. Wilsonii, Sab. Wilson's Phalarope.

Family SCOLOPACIDÆ.

196. Philohela, Gray. minor, Gm. American Wood-cock.
197. Gallinago, Leach. Wilsonii, Bon. Wilson's Snipe.
198. Macrorhamphus, Leach. griseus, Gm. Gray Snipe.

*199. Tringa, L. maculata, Vieill. Jack Snipe.
200. " Wilsonii, Nuttall. Least Sandpiper.
201. " Bonapartii, Schlegl. Bonaparte's Sandpiper.
202 Ereuntes, Ill. petrificatus, Ill. Semipalmated Sandpiper.

Sub-family Totaninæ.

203. Symphemia, Raf. semipalmata, Gm. Willet.
204. Gambetta, Kaup. melanoleuca, Gm. Tell Tale.
205. " flavipes, Gm. Yellow Legs.
*206. Rhyacophilus. Kaup. solitarius, Wils. Solitary Sandpiper.
207. Tringoides, Bon. macularius, L. Spotted Sandpiper.
208. Actiturus, Bon. Bartramius, Wils. Bartram's Sandpiper.
209. Tryngites, Cab. rufescens, Vieill. Buff-breasted Sandpiper.
*210. Limosa, Briss. fedoa, L. Marbled Godwit.
*211. " hudsonica, Lath. Hudsonian Godwit.
212. Numenius, L. longirostris, Wils. Long-billed Curlew.
213. " hudsonicus, Lath. Hudsonian Curlew.

Sub-family Rallinæ.

*214. Rallus, L. elegans, Aud. King Rail.
*215. " virginianus, L. Virginian Rail.
*216. Porzana, Vieill. carolina, L. Common Rail.
*217. " noveboracensis, Gm. Yellow Rail.
218. Fulica, L. americana, Gm. Coot.
*219. Gallinula, Briss. galeata, Licht. Florida Gallinule.
*220. " martinica, L. Purple Gallinule.

ORDER VI. NATATORES.

Sub-Order A. ANSERES.

Family ANATIDÆ.

Sub-family Cygninæ.

221. Cygnus, L. americanus, Sharpless. American Swan.
*222. " buccinator, Rich. Trumpeter Swan.

Sub-family Anserinæ.

*223. Anser, L. hyperboreus, Pallas. Snow Goose.
*224. " Gambelii, Hartlaub. White-fronted Goose.

*225. Bernicla, Steph. canadensis, L. Canada Goose.
*226. " Hutchinsii, Rich. Hutchin's Goose.
227. " brenta, Steph. Brant.

Sub-family Anatinæ.

228. Anas L. boschas, L. Mallard.
229. " obscura, Gm. Black Duck.
230. Dafila, Jenyns. acuta, L. Pin-tail Duck.
231. Nettion, Kaup. carolinensis, Gm. Green Winged Teal.
232. Querquedula, Steph. discors, L. Blue Winged Teal.
233. Spatula, Boie. clypeata, L. Shoveller.
*234. Chaulelasmus, Gray. streperus, L. Gadwall.
235. Mareca, Steph. americana, Gm. Widgeon.
236. Aix, Boie, sponsa, L. Wood Duck.

Sub-family Fuligulinæ.

237. Fulix, Sundevall. marila. Big Black-head.
238. " affinis, Eyton. Little Black-head.
239. " collaris, Donovan. Ring-necked Duck.
240. Aythya, Boie. americana, Bon. Red-head.
241. " vallisneria, Wils. Canvass-back.
242. Bucephala, Baird. americana, Bon. Golden-eye.
243. " albeola, L. Buffle-head.
*244 Harelda, Leach. glacialis, L. Long-tailed Duck.
*245. Melanetta, Baird. velvetina, Cassin. Velvet Duck.
*246. Somateria, Leach. spectabilis, L. King Duck.

Sub-family Erismaturinæ.

*247. Erismatura, Bon. rubida, Wils. Ruddy Duck.

Sub-family Merginæ.

348. Mergus, L. americanus, Cassin. Goosander.
249. " serrator, L. Red-breasted Merganser.
250. Lophodites, Rich. cuculatus, L. Hooded Merganser.

Sub-Order B. GAVIÆ.

Family LARIDÆ.

Sub-family Larinæ.

*251. Larus, L. leucopterus, Faber. White-winged Gull.
*252. " marinus, L. Great Black-backed Gull.
253. " argentatus, Brunn. Herring Gull.

*254. Larus, L. delawarensis, Ord. Ring-billed Gull.
*255. Chroicocephalus, Eyton. atricilla, L. Laughing Gull.
256. " philadelphia, Ord. Bonaparte's Gull.
*257. Rissa, Leach. tridactylus, L. Kittiwake Gull.
*258. Xema, Leach. Sabinii, Sab. Fork-tailed Gull.

Sub family Sterninæ.

259. Sterna, L. aranea, Wils. Marsh Tern.
260. " Wilsonii, Bon. Wilson's Tern.
261. " macroura, Naum. Arctic Tern.
262. " paradisea, Brunn. Roseate Tern.
263. " frenata, Gamb. Least Tern.
264. Hydrochleidon, Boie. plumbea, Wils. Short-tailed Tern.

Family PELECANIDÆ.

*265. Pelecanus, L. erythrorhyncus, Gm. Pelican.

Family COLYMBIDÆ.

266. Colymbus, L. torquatus, Brunn. Loon.
*267. " septentrionalis, L. Red-throated Loon.

Sub-family Podicepinæ.

268. Podiceps, Lath. griseigena, Bodd. Red-necked Grebe.
269. " cristatus, L. Crested Grebe.
270. " cornutus, Gm. Horned Grebe.
271. Podilymbus, Less. podiceps, L. Dobchick.

NOTES.

* 1—29. For information concerning the Vultures and Birds of Prey we refer the reader to Mr. Jno. Kirkpatrick's essay on the Rapacious birds of Ohio, published in the Ohio Farmer in 1858–9, and reprinted in the Ohio Agricultural Report for 1858.

30. *C. carolinensis.* Carolina Parrot. In 1838 Dr. Kirtland says: "The Parakeets do not usually extend their visits farther north than the Scioto, though I am informed, on perhaps doubtful authority, that thirty years since, flocks of them were sometimes seen on the Ohio at the mouth of Big Beaver, thirty miles below Pittsburg." It is not probable that they extend their migrations into this State at present. They are still to be found in Southern Illinois.

31. *C. americanus* and *C. erythropthalmus.* The Yellow-billed and Black-billed Cuckoos are quite numerous in the central portions of the State. From their habits they are not often seen. Unlike the European Cuckoo, these birds build their own nest and rear their young.

34. *P. pubescens.* The Downy Woodpecker, commonly called the *Sapsucker*, is charged with frequenting orchards and destroying trees by sucking the juices. Dr. Kirtland, in his report on the birds of this State in 1838, says: "This small bird is one of the most destructive enemies of our orchards. While they are visited by the other species to capture innumerable small insects and worms that infest and injure the trees, this bird appears intent on destroying the trees themselves, which it is sure to accomplish in the course of a year or two by encircling their bodies by a series of punctures through the bark. I am inclined to believe, with the popular opinion, that it does it for the sake of sucking the juices of the trees. It has long been known to people of observation that it always selects those trees in a sugar or maple grove that furnishes the sweetest sugar water, and it has its favorite trees in our orchards, and appears to select them without reference to age, thriftiness or any evident circumstance, but most likely according as they afford palatable food. While the visits of all other species should be encouraged, even though they should occasionally mutilate or purloin a little fruit, it becomes the farmer and horticulturist to carry on a war of extermination against the sapsucker."

This opinion, from so high a source, is certainly worthy of consideration. But we must confess that we are obliged to believe that the sapsucker and all other of the woodpeckers are much more useful than injurious; and in this opinion we believe we have the support of all others who have examined the subject, with the exception of the one above quoted. As to the Downy Woodpecker *sucking sap* we are inclined to think it a physical impossibility. Any one who has observed birds drink knows that they do not appear to have power of suction, and that they invariably raise their head to allow the water which they have taken into their bill to descend into the throat. The only bird which we know to possess the power of sucking is the humming bird, and it is furnished with a very peculiar apparatus connected with the tongue. This apparatus, which may be said to consist of tubes, is inserted with the tongue in the flowers from which it obtains its food. Although furnished with this apparatus for sipping the honey from flowers, by far the greater part of its food consists of insects. An examination of the tongue of the woodpecker indicates that it is entirely without any such apparatus—indeed the construction of its barbed, horny tip, would seem to preclude any such action as that charged. Besides, the Downy Woodpecker is most frequently seen in our gardens and orchards during fall and winter, at which time the sap of trees has descended from the trunk and branches. For these reasons we think that this charge cannot be sustained against the Downy Woodpecker any more than against any other woodpecker, and no more against woodpeckers in general than other birds. The real object of his tapping the trees, in the manner mentioned, is to

obtain his food consisting of the larve and eggs of insects; and in the pursuit of these he is indefatigable and should be protected accordingly.

36. *H. pileatus.* The Black Logcock or Pileated Woodpecker was formerly quite abundant in the central portions of the State. It is now very seldom seen in the vicinity of Columbus, but is still common in the thinly settled counties of the State.

38. *M. erythropthalmus.* The Red-headed Woodpecker is the most common of its tribe, and is much persecuted on account of its pilfering tendencies in the fruit season, selecting the finest and earliest apples and cherries. For this he is doomed to destruction by the farmer, though it cannot be doubted but that his services in ridding the trees of destructive insects entitle him to a share of the fruit.

39. *C. auratus.* The Golden-winged Woodpecker or Flicker, as it is commonly called, appears to be on the increase as the country becomes cleared up. In addition to his services in destroying insects which lurk in trees, his long and slightly curved bill enables him to dig in decayed logs and stumps for ants and their eggs, which seem to be his favorite food.

42. *A. vociferus.* The Whip-poor-will is not a common bird in the vicinity of Columbus; it affects the more hilly portions of the State. Notwithstanding this bird and the Night Hawk are in many places the victims of foolish superstition no bird is more useful, as it destroys, during the night, many insects which are very injurious but which are not accessible to other birds during the day.

49–52. *E. Triallii, minimus, acadicus, and flaviventris.* This genus embraces the small fly-catchers which generally inhabit the forest. *E. Triallii and E. acadicus* are not uncommon. *E. minimus and E. flaviventris* are more rare, but frequently occur within the State.

60. *A. ludovicianus.* The Tit Lark, or Brown Lark, is quite abundant in the vicinity of Columbus during the colder season of the year, frequenting river bottoms and sandy places.

63. *P. citrea.* The Prothonotary Warbler is included in a list of warblers found in Northern Ohio by Mr. R. K. Winslow, of Cleveland. It must be a rare bird within the State, as it is generally considered confined to the States south of the Ohio river.

65. *G. philadelphia.* The Morning Warbler, I am informed by Mr. Kirkpatrick and Mr. Winslow, is found in the vicinity of Cleveland in summer. Doubtless it is to be found throughout the State in the course of its migrations.

74. *H. celata.* The Orange-crowned Warbler, Mr. Winslow informs me, has been found in Northern Ohio. Prof. Baird gives its range as "from the Mississippi river to the Pacific;" though Mr. Brewer, in his Synopsis, says "from Texas to Nova Scotia."

77. *S. ludovicianus.* The Large-billed Water Thursh, I am informed by Mr. Kirkpatrick, visits the vicinity of Cleveland. I have never seen it in the central portions of the State.

85. *D. cærulea.* The Blue Warbler, usually considered a rare bird, has been quite numerous in the vicinity of Columbus during the past spring. I obtained four specimens during two hours' shooting, and have since seen several in the gardens of the city.

89. *D. Kirtlandii.* A new species, first discovered by Prof. Kirtland, near Cleveland, in 1851. Mr. Winslow informs me that he has obtained a specimen from the same locality. These two are the only individuals discovered, unless it be one shot by Prof. Hoy, of Racine, Wis.

92. *D. superciliosa.* The Yellow-throated Warbler has been quite common in this vicinity during the past spring. It seems to be quite partial to the vicinity of running water, and is usually seen on trees and fences near rivers. In its habits it approaches the titmice and creepers, frequently hanging and walking, head downwards, on fence rails.

99. *P. æstiva.* The Summer Red Bird is seldom seen in the central portions of the State. I have obtained but one specimen near Columbus. Dr. Kirtland has procured it as far north as Trumbull county.

101. *H. lunifrons.* "Congregations of the Cliff or Republican Swallow are now common at the west. In the spring of 1815, a few were first seen by Audubon at Henderson in Kentucky. Four years after, a colony located on the United States buildings at Newport, opposite Cincinnati, and have more recently extended their settlements to several buildings in the west part of the latter city. During the present summer, they have built their nests on a barn in the north part of Columbiana county."—KIRTLAND.

About five or six years ago, a colony of these birds built their nest upon a mill on Alum Creek, about two miles from this city, and remained there for two or three years.

104. *C. serripennis.* The Rough-winged Swallow, I am informed by Mr. Kirkpatrick, is found in great abundance on Rocky River, Cuyahoga county, when it breeds. I have found its nest upon the horizontal beam of a bridge in this vicinity. Probably not uncommon throughout the State, but overlooked on account of its resemblance to the Bank Swallow.

106. *A. garrulus.* The Bohemian Wax Wing has often been taken in Northern Ohio in severe winters. I have never seen it so far south as Columbus.

108. *C. borealis.* The Northern Shrike is another of our winter visitors, but is never common. I have seen but a single individual in the vicinity of Columbus.

111. *V. philadelphicus.* This rare bird was first described by Mr. Cassin in

1851. Our authority for inserting it as an Ohio bird is based upon a single specimen from Cleveland, O., which was presented to the Smithsonian Institute by Dr. Kirtland. Other specimens have been taken in Pennsylvania and Wisconsin. It differs from the Warbling Vireo, in the absence of the spurious primary, and in the deeper yellow of the under parts.

113. *V. solitarius.* The Blue-headed Vireo is quite rare in this State, but is more abundant farther west. I have taken but a single specimen.

115. *M. polyglottus.* The Mocking Bird was formerly not uncommon in summer in the vicinity of Columbus; for several years it has ceased to visit us. A single specimen was procured as late as 1855. It may still be found at times in the Miami Valley and more southern counties of the State.

118. *T. ludovicianus.* The Great Carolina Wren is not uncommon with us during the warmer portions of the year. They are sometimes seen early in the spring in company with the Ruby-crowned and Golden crested Wren. They nest in this vicinity but are not common in Northern Ohio.

120. *C. stellaris.* The Short-billed Marsh Wren, Mr. Kirkpatrick informs me, nests in the vicinity of Cleveland. I have never seen it in this neighborhood.

126. *S. pusilla.* "The Brown-headed Nut-hatch. I once killed a specimen in Northern Ohio, though it is usually not seen north of Virginia."—KIRTLAND.

130. *E. cornuta.* The Sky-lark or Shore-lark is common in this vicinity in spring and autumn. It is generally seen in small flocks and associated with the Tit-lark, and frequents dry sandy places near water.

131. *H. vespertina.* Prof. J. P. Kirtland, in the Ohio Farmer for March 24, 1860, says: "Those of your readers who are interested in the natural sciences, will, no doubt, be gratified to learn that so rare a bird as the *Evening Grosbeak* has made its appearance in these parts. Early last week, a beautiful specimen of a female was secured by Charles Pease, jr., and on the next day, I saw several others of this species. It is known among ornithologists as the *Hesperiphona vespertina*, and has never before, I believe, been discovered east of Lake Michigan. Dr. Hoy of Racine, Wisconsin, has occasionally met with it in that vicinity. From Lake Superior to Oregon is the usual limit of its locations."

132. *P. canadensis.* The Pine Grosbeak makes its appearance in the northern part of the State in severe winters. I have never seen it in the vicinity of Columbus.

133. *C. purpureus.* The Purple Finch is another of our winter birds. It is at times found in this vicinity from December to March.

136. *C. americana.* The Red Crossbill visits the northern portion of the State in winter. I have seen but a single individual in this vicinity.

137. *C. leucoptera.* The White-winged Crossbill, Mr. Kirkpatrick informs me, has been shot at Willoughby, Lake county.

144. *C. Henslowii.* The specimen from which Audubon described this species, was shot in Kentucky, opposite Cincinnati. Mr. Audubon states that it is accidental in Ohio. In 1856, I obtained a specimen in this vicinity which answered to Audubon's description of this species.

145. *C. grammaca.* Three specimens of the Lark Finch have been shot in the vicinity of Columbus within the last year. I am not aware that it has before been seen east of the prairies of Illinois. It is one of the most beautiful of the sparrow tribe.

155. *E. americana.* The Black-throated Bunting is now one of our most numerous birds. In 1838, Dr. Kirtland says, "My authority for admitting this species is perhaps not sufficient. I, however, believe it to be an occasional visitor of this State." It is difficult to account for the appearance and disappearance of some of our birds. Many of the northern birds seem to be governed by no law in selecting their winter quarters. They are one year abundant and none are seen the next. Their migrations seem at times not to be governed by the severity of the weather. Our summer birds are, however, more constant, generally returning to their previous breeding places. The Black-throated Bunting seems to be an exception to this rule. If it were one of the birds that follow civilization, we should have expeeted it to be eomparatively abundant at the time Dr. Kirtland writes. Some unknown cause has probably influenced its settlement with us.

156. *G. ludoviciana.* The Rose-breasted Grosbeak was formerly quite numerous in this vicinity. Of late years they have decreased in numbers and are now quite rare.

157. *O. cyanea* On three occasions during the past spring I discovered the female Indigo Bird sitting upon the nest and eggs of another bird. On being driven from the nest, the bird manifested all the anxiety which we would expect were it driven from its own nest. The male Indigo Bird was in the vicinity, and made his appearance, scolding vehemently. After noticing this for some time, I shot two of the females, to convince myself that I was not mistaken in the bird. The nest and eggs on which they sat were all alike. The nests were large, the foundations of dried leaves, the upper parts of fibres and grass. The eggs were white, sprinkled with a few dark brown spots, and much larger than those of the Indigo, which are light green or bluish, with dark spots. No other bird seemed to be annoyed at the usurpation.

160. *D. oryzivorus.* The Bobolink, although very common in many portions of the State, is quite rare in the vicinity of Columbus.

161. *M. pecorus.* The Cow Bird is noted as being the only American bird

which, like the European cuckoo, lays its eggs in the nest of other birds, building no nest of its own. In 1838, Dr. Kirtland said: "The Cow Bunting is admitted into our catalogue on rather doubtful authority." It is now quite numerous.

175. *T. canadensis.* The Canada Grouse is of rare occurrence in the northeastern counties of the State.

176. *C. cupido.* The Prairie Hen was formerly quite numerous in the northwestern portions of the State. A few still remain.

177. *B. umbellus.* The Ruffed Grouse or Pheasant is still common in the most thickly wooded portions of the State.

178. *O. virginianus.* The game law passed by the Ohio Legislature in 1857, has been the means of protecting our game birds, and especially the quail, till they are now nearly if not quite as numerous as ever.

179. *G. americanus.* The Whooping Crane is an occasional visitor of this State, but is becoming more and more rare.

180. *G. candidissima.* The Snowy Heron is a very rare bird so far north as this State, except on the sea shore. Mr. M. C. Read, of Hudson, informs me that he obtained one as far north as Ashtabula county some years ago. In the summer of 1859, I saw five of the birds near Granville, Licking county.

181. *H. egretta.* The White Heron is not a very uncommon bird in this State. Two specimens have been taken this summer in Franklin county. It is found as far north as Sandusky Bay.

182. *A. herodias.* The Great Blue Heron is common in this vicinity.

186. *N. Gardeni.* The Night Heron is very rare in this State. It has been taken on the Scioto river.

187. *I. Ordii.* The Glossy Ibis has, on one or two occasions, been seen in this State. It is nowhere numerous.

191. *A. melodus.* In the summer of 1856, I obtained specimens of this species from a flock of five, on the Scioto. Do not know of its occurrence in the State otherwise.

193. *S. interpres.* The Turnstone, though very widely extended in its habitat, is very rare. Dr. Kirtland inserts it in his Catalogue of Ohio Birds, one specimen having been seen on Lake Erie.

194. *R. americana.* The American Avosit is another of our rarest birds. It has been shot in the neighborhood of Cincinnati.

195. *P. Wilsonii.* Wilson's Phalarope. "I once met with a flock of this rare bird on Mill Creek, in Trumbull county."—KIRTLAND.

199. *T. maculota.* The Jack Snipe or Pectoral Sandpiper at times makes its appearance in large flocks in this vicinity.

206. *R. solitarius.* A few years ago the Solitary Sandpiper was much more abundant than the Spotted Sandpiper. The relative proportion between these birds is now changed, and the Solitary Sandpiper is not numerous in spring, and rarely seen during the breeding season. The young appear in considerable numbers in the latter part of summer and early fall.

210. *L fedoa.* The Marbled Godwit is only an occasional visitor of the State.

211. *L. hudsonica.* The Hudsonian Godwit is a rare bird in this State. Specimens have been taken in the vicinity of Cincinnati and Columbus.

214. *R. elegans.* I know of but two specimens of this bird which have been taken by sportsmen in this vicinity.

215. *R. virginianus.* The Virginian Rail is not uncommon, and breeds in this State.

216. *P. carolina.* The Common Rail is not as numerous as the preceding. It is frequently shot in the vicinity of Columbus.

217. *P. noveboracensis.* The Yellow-breasted Rail is rare in this State. A few have been taken in the vicinity of Cincinnati.

219. *G. galeata.* The Florida Gallinule is occasionally shot in this State, sometimes penetrating as far north as Lake Erie.

220. *G. martinica.* The purple Gallinule is much more rare than the preceding. One or two specimens have been shot within our limits.

222. *C. buccinator.* The Trumpeter Swan is sometimes found as far east as Lake Erie.

223. *A. hyperboreus* and *A. Gambelii.* The Snow Goose and White-fronted Goose occasionally visits Lake Erie and adjacent waters in winter.

225. *B. canadensis.* The Canada or Wild Goose is becoming less and less common in the interior of the State. Dr. Kirtland states, on the authority of Dr. Ward, that numbers of them formerly wintered in the Scioto Valley. Until a few years back, a few were accustomed to remain a few days in the fall in the Olentangy River, near Columbus.

226. *B. Hutchinsii.* Mr. Winslow informs me that two or three specimens of Hutchins' Goose have been shot in Sandusky Bay.

234. *C. strepera.* The Gadwall is one of the rarest of the duck family. It is at times taken in Lake Erie and occasionally in the Scioto River.

244. *H. glacialis.* Mr. Winslow includes the Long tailed Duck in a list of ducks found on the Lake.

245. *M. velvetina.* The Velvet Duck is a winter visitor of Lake Erie.

246. *S. spectabilis.* Mr. Winslow informs me that he has seen two specimens of the King Duck, one of which was shot at Cleveland and one at Sandusky.

247. *E. rubida.* The Ruddy Duck is rare in this State. I have taken two specimens in this vicinity; others have been shot on the Lake.

251. *L. leucopterus.* The White-winged Gull, Mr. Winslow informs me, is an occasional visitor near Cleveland.

252. *L. marinus.* The Great Black-backed Gull is rare. Mr. Winslow mentions a single specimen procured at Cleveland.

255. *C. atricilla.* Audubon mentions the Black-headed or Laughing Gull among the number which pass over the State on their migrations. I have seen a single specimen, said to have been shot in the vicinity of Cincinnati.

257. *R. trydactyla.* Mr. Winslow informs me that he has taken three or four specimens of this bird in the vicinity of Cleveland.

258. *X. Sabinii.* Mr. Winslow has a single specimen of this bird, obtained in this State.

265. *P. orythrorhyncus.* The Pelican in former years extended his visits as far north as Lake Erie, and was sometimes seen on our large streams. It is now very rare, if indeed it has not entirely ceased to visit us.

267, *C. septentrionalis.* The Red-throated Loon, I am informed by Mr. Kirkpatrick, visits Lake Erie in the fall of the year. It is seldom seen in our rivers.

We insert in this connection a list of such birds as are probably to be found within the State, but which we have not inserted in the above catalogue for want of positive proof of their having been seen.

Picoides arcticus, Gray. Black-backed Three-toed Woodpecker. Mr. Kirkpatrick informs me that this bird is said to have occurred in the northeastern portion of the State.

Contopus borealis, Baird. Olive-sided Flycatcher. Rare. Has been found in Pennsylvania and Wisconsin.

Turdus Swainsonii, Cab. Olive-backed Thrush. Habitat, Eastern North America, Pennsylvania, Missouri, Nebraska.

Myiodioctes minutus, Baird. Small-headed Flycatcher, Rare. Habitat, Eastern Atlantic States, Wisconsin.

Thriothorus Bewickii, Bon? Bewick's Wren. Habitat, North America, from Atlantic to Pacific.

Melospiza Lincolnii, Baird. Lincoln's Finch. Habitat, from Atlantic to Pacific, Pennsylvania, Wisconsin.

Guiraca cærulea, Sw. Blue Grosbeak. Habitat, more Southern United States, Pennsylvania, New York.

G. canadensis, Temm. Brown Sandhill Crane. Habitat, whole of western regions of United States.

Himantopus nigricollis, Vieill. Black-necked Stilt. Habitat, United States generally.

Phalaropus hyperboreus, Temm. Northern Phalorope. Habitat, whole of North America.

Phalaropus fulicarius, Bon. Red Phalarape. Habitat, entire temperate regions of North America.

Tringa canutus, L. Grayback Sandpiper. Habitat, Eastern North America.

Tringa maratima, Brunn. Purple Sandpiper. Habitat, Eastern North America.

Tringa alpina, L Red-backed Sandpiper. Habitat, entire temperate regions of North America.

Calidris arenaria, Ill. Sanderling. Habitat, entire temperate North America.

Micropalma himantopus, Baird. Stilt Sandpiper. Habitat, Eastern North America.

Numenins borealis, Lath. Esquimaux Curlew. Habitat, Eastern and Northern North America.

Others might be added to this list, especially of such birds as make extensive migrations. Probably others may be added to our list of Terns. A Cormorant also is doubtless to be found within the State. I once examined the skin of one, which was in so decayed a condition that I could not determine positively the species. I afterwards learned that it was shot in Franklin county. Prof. Baird thinks that Cormorants at times occur in Sandusky Bay.

In the winter of the year 1857, the Legislature of this State, following the example of many other States, and impelled by the necessities of the case, passed an act "to prevent the killing of birds and other game." The object of this law was to prevent the killing of game birds during the season of breeding or at such time as they were unfitted for food, and also to protect small birds from wanton destruction at all times. In the main the law was a good one, as the marked increase in the numbers of some of our game birds will readily attest. But after a trial of three years it was found to be incomplete in many particulars. The time within which the shooting of game birds was allowed, was found to be inconsistent with the habits of the birds, at least in this State. Many of the more common birds were protected, while the omission of many others equally useful seemed to grant license for their destruction.

In the session of 1860–61, the subject was again introduced into the Legislature and amendments to the law proposed. In the discussion of the subject, considerable interest was manifested, and though all interested conceded that the benefits

derived from the presence of birds by the agriculturist was in general great,* yet so diversified were views in regard to the merits and demerits of particular species, that these views found permanent form in the reports of the several committees appointed to consider the subject. We reprint the reports of the committees, together with the law as it now reads, trusting that a careful perusal will exempt us from further apology.

REPORT OF SENATE SELECT COMMITTEE,

UPON SENATE BILL NO. 12, "FOR THE PROTECTION OF BIRDS AND GAME."

Legislative enactments to encourage the destruction of animals and birds supposed to be injurious, or protect such as are useful or harmless, have been common in every civilized community.

This class of legislation should be based upon a thorough practical knowledge of the habits of the creatures sought to be exterminated or preserved, and must be modified from time to time to suit circumstances, as the country progresses in population and improvement.

Any laws upon this subject should be reasonable in their character, so that their enforcement will be sustained by public opinion. They should also be plain and concise, so that they may be easily understood, for otherwise they may be a trap to the unwary, and thus be the means of oppression to the innocent, or be difficult to enforce against the guilty.

Since these laws must, as far as possible, be general; great care is necessary to meet the views and necessities of each locality, and of every interest. One person suffers from the depredations of a particular bird—another is benefitted by its insectivorous habits. In one section of the State the species may not exist at all, or be so rare that its extermination may be feared—in another it may be abundant, and its killing proper or necessary.

Of quadrupeds of a wild nature, the larger are fast disappearing, and soon few

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* All our land birds, with the exception of some of the larger birds of prey and the Kingfisher, and many of our water birds, are either wholly or in part insectivorous. Many exist throughout their whole lives on insects alone. Others feed on them only during certain seasons of the year. With the young of many birds, insects form the entire food, while seeds of various kinds form the food of the adult.

or none will remain in the State. Ohio has no waste land. It is all useful for agricultural purposes—if not for tillage, at least for pasturage. It has no sterile wastes, marshes, or mountain ranges where the larger game can find permanent security. The deer, the bear, the wolf, and such like animals will soon be gone, and laws that relate to them will be a dead letter.

The smaller animals, such as need no extensive covert, will remain ; but those which are mischievous, are surrounded by enemies that require no encouragement, and their serious increase need not be feared. Only two quadrupeds that are properly game—the squirrel and the rabbit or hare—will continue permanently in Ohio. As these are sometimes mischievous, the right to kill them on one's own ground should be always reserved. Some might be disposed to include such animals as the opossum and raccoon as eatable, but they are not generally so considered. Though partly granivorous, they both feed mostly upon flesh.

With birds it is different. Their power of movement enables them to escape, to change localities, to visit sections distant and inaccessible to man, and come back, perhaps, increased tenfold in numbers. Almost all birds are migratory, and by many the whole continent, from the Gulf of Mexico to the Arctic Regions, is yearly twice traversed.

Probably every bird which existed in Ohio at its first settlement still remains in it or visits it, and many are found in greatly increased numbers. The quail follows civilization, and as the country opens up, and the corn and grain fields widen, and its food becomes more abundant, its numbers will continue to increase. So of the harmless domestic birds. The robin, the blue bird, the cat bird, the swallow, &c., &c., love to gather around the homestead and build in the garden, the yard, and the out-house. The society of man protects, and his structures shelter them, and his cultivation furnishes the fruit, the seed, and the insects that they love to feed upon. Their beauty and grace of form and movement, will continue to please, and their songs to delight, as long as pleasant homes and happy households exist in the land.

The rigor of climate may compel them to abandon temporarily their accustomed localities, but, by a mysterious guidance, they return with the warm breezes of spring to build their nests and rear their young near the same spot. It is a beautiful idea that our favorite birds have their *chosen* homes, which they annually occupy and leave to their descendants, building under the same roof-tree, or in the same orchard, or garden, or shrubbery, where year after year they connect themselves with the same household, and mingle their warblings with the voices of our children. When we contemplate this wonderful habit, with all its tender associations, it seems a sacrilege to destroy and despoil, wantonly and unnecessarily, those who thus seek our protection.

Probably none but the larger game birds, the wild turkey, the pinnated grouse or prairie hen, and the ruffed grouse or pheasant, have seriously decreased. The first, once universal, is now only found in a few localities; the second, never very numerous in Ohio, is now confined to a few counties in the extreme northwest; and the last is slowly decreasing as forests and thickets disappear.

The propriety and importance of a judicious bird and game law is becoming more apparent and more generally acknowledged as the country becomes more populous and more highly improved.

In the early settlement of the country it would scarcely be needed, and of course would receive no attention. But it is different now. A large part of the public demand it, and this demand will become more and more imperative as society progresses. The only question is as to its details.

The rules upon which such a statute should be framed would seem to be these:

1st. It should protect, at all seasons of the year, the harmless and useful birds other than game, whose habits are such as to expose them to danger from man.

2d. It should protect the *game* birds at such seasons and in such a manner as will promote their reasonable increase.

3d. It should leave those of doubtful or bad character to protect themselves.

4th. It should employ popular and well known names in designating each bird, so that no one can doubt what species is meant.

In the bill reported by the Senate select committee, the intention has been to keep these principles in view. The birds named in the first section, are most of them common, abundant, and well known—they are such as are found in cultivated fields, and about the habitations of man, and are therefore most exposed; and though some are not entirely harmless, yet their musical or insectivorous merits are sufficient to entitle them to protection.

There remain many species, especially in the class of warblers, finches, and flycatchers, that are both harmless and useful, but they are found generally in the forests—they are rarely seen, and little exposed to injury from mankind, and are not so generally known as to be identified by any popular name. Such laws are not made for the ornithologist only, but for the public; and to forbid generally the killing of finches when, according to Wilson, there are seventeen species of that genus, and, according to Audubon, nineteen—or to forbid the killing of the warblers when of that genus there are thirty-six species, according to Wilson, and forty-two, according to Audubon, is not reasonably specific, especially in describing an offense to be punished criminally. Many of these birds are rare and shy, they inhabit retired places, they are in little danger from the sportsman, and they cannot be designated by any popular name which would be generally recognized and understood. It is not easy to draw a distinct line between those birds that are

useful and harmless and deserving of protection, and those of doubtful or bad character in this respect. Most of the *rapacious* birds even, are useful to some extent in destroying mice and other pests of the farm. And when we come to those which are partly insectivorous, and partly granivorous, it is often difficult to determine whether the benefits or mischiefs predominate. The wood-pecker lives upon insects in the spring—but when the cherry, the peach, the apple, and the corn arrive in succession—he is a constant pilferer of each. He flies for miles to suit himself with the choicest fruit, and destroys by tasting more than he actually devours. So the blue jay, black-bird, the cherry-bird, and others, have a mixed character, and there will be a difference of opinion as to whether their merits or defects predominate. Where there is evident doubt, it is better to let them take their chance.

As to legislation in regard to *game proper*—that is, such animals and birds as are fit for food and are pursued for that purpose—there are great differences of opinion among sportsmen themselves, and still greater between sportsmen and the public.

The desire of the sportsman is to forbid the killing of game during the breeding season—to limit it to those periods when the flesh is best fitted for food, and generally so to regulate the time and manner of pursuing or killing as to preserve and, if possible, increase the quantity. Keeping the sportsman's idea in view, the proper time for killing game in Ohio would seem to be as follows:

Deer, from the first day of September to the first day of February; but neither this nor any other protection can preserve them long.

Wild turkeys during the same period; but they too must gradually disappear as their haunts are disturbed in the progress of improvement. Perhaps the time of killing both should be shortened if it could be enforced.

The pinnated grouse or prairie hen may be shot from the first of September to the first of February; but for shooting on the wing, the early part of the season is much the best, as it will not lie well before the dog at any other time.

The ruffed grouse or pheasant may be shot during the same time, but neither of the two last birds can be preserved long in Ohio, except in particular localities.

The quail, or Virginia partridge, is the best true game bird, native to the State, which can be permanently preserved and increased. Coveys of these are often found full grown by the first of September, but so many remain undeveloped, and so many gunners are given to indiscriminate slaughter, that they should be protected till the first of October. The time too should close by the first of February, for it is during the latter part of the winter that they are in most danger of being too much thinned.

The ground then becomes bare, so that they lack proper cover; the corn, grain

and seeds, upon which they feed during the fall and winter, become scarce; and the birds themselves become poorer and weaker, and unable to escape from their natural enemies. Still it must not be supposed that the wintering of a large number is necessary for the preservation and increase of the stock. Each pair, if undisturbed, will produce a brood of from fifteen to twenty-five, and a brace from each covey would thus continue the number. It must also be remembered that, if too many remain over, the increase will not be in proportion. The quail is a pugnacious bird, and during the period of pairing, incubation and rearing, they disturb and destroy one another, if too abundant. Even if the killing of quails was entirely forbidden, it would not follow that the number would be materially increased. Probably three times as many are killed by their natural enemies as by man. The fox, the weasel, the opossum, the polecat, and other quadrupeds, as well as the hawk and the owl, are constantly on the watch for them, and upon their feeding and roosting grounds they fall an easy prey to these marauders. Under the game law of 1857, there has been an evident increase; but that has been because it protected them in the spring, and during the breeding season, and when too young to escape. With this protection, their numbers will always be maintained, unless destroyed by a long and rigorous winter, as is sometimes the case. In the northern part of the State they are always exposed to this, but in Southern Ohio it rarely happens, and they are there generally very abundant. If trapping and netting could be prevented, it would be well; for by these methods the entire covey is sometimes taken. The owner has now full power to exclude trappers and netters from his land; but it would be unfair, and indeed impossible, to enforce such a law against himself in the season when the killing is allowable. If no trapping is permitted after the first of February, the greatest danger will be removed. It is at this period that their food becomes scarce, and they are driven to the barns and stack-yards for sustenance, and thus fall an easy prey to the trapper.

It is insisted by some that the quail should not be killed at all, because it is insectivorous; and is, therefore, useful to the agriculturist.

If the views above stated are correct, and none are permitted to be killed from the first day of February to the first day of October, a period of eight months, which includes almost the entire insect season, this benefit is not lost.

The habits of the quail as to food, and the structure of its digestive organs, are the same as those of the domestic fowl. The fly, the grasshopper, the worm, is eagerly sought for, as well as the seeds and grains. In the spring and early summer he lives principally upon insects; but does not forget to follow the farmer and pick up his oats, buckwheat and other seeds, in sowing time, and to scratch

and pull up his corn, till the stalk becomes too strong for him. He watches the ripening of the first grain, and begins to gather before the reaper. He establishes himself in the stubbles with his brood, and scarcely leaves them till October. This is his favorite retreat, combining the choicest food and the most perfect cover; and here the covey lingers till it ripens into full quailhood. In October, after the first frost, when autumn scatters everywhere a profusion of seeds and grains, the covey begins to wander and finds food everywhere. In the winter, corn is the usual food, but the seeds of weeds, and even the acorn and beech-nut, are not rejected. From the time the shooting season commences, few or no insects are found in the craws of the killed.

The meadow-lark is insectivorous and granivorous also, and though not strictly a game bird like the quail, is yet quite eatable. In stubbles and well-grassed meadows, he lies tolerably well before the dog, and furnishes good practice for the young sportsman. He can be shot between the first of October and the first of February, without decreasing the number for the next year. Indeed, after the first of December, most of them have gone southward.

The kill-deer, a species of plover, has also some merits as a game bird, and as it breeds here, deserves protection; but as it goes south in winter, if the same time is fixed, October and November would be the only months that it would suffer from the sportsman.

There are several other varieties of plover occasionally seen in Ohio; but it is believed they do not breed here, and as they are rarely met with, they scarcely need protection,

The dove may, perhaps, be included among the game birds; and as it breeds and winters with us, it should be protected for the same period as the quail.

The yellow-hammer or flicker may also be included in the same list, and receive the same protection, though its eatable qualities certainly do not rank very high.

The woodcock (*Scolopax minor*) is a choice game bird; but it was strangely treated in the law of 1857, which forbade the killing before the 15th of September. It breeds in vast numbers in the State, and especially in the wetter portions of the great flat extending from the counties of Brown and Clermont, on the Ohio River, to Lake Erie and the Michigan line. In the swampy forests of this section it is abundant in breeding time, but not long afterwards. It arrives from the South about the first of March, pairs immediately, makes its nest upon the ground, hatches about April or May, and its young are generally two-thirds grown and fit for the table by the first of July. Few are killed on these grounds where they are produced in such numbers, as they subsist upon worms and insects obtained from a moist soil, and so soon as the summer sun dries up these vast flats

so that they cannot penetrate the ground with their long bills, they change their feeding ground, getting into the marshes and wet places, and at length occupy chiefly the valleys of the larger streams where the tall corn and rank weeds and bushes afford a shelter, and the rich soft mud abounds in the insects which they love. Here they are sheltered from observation and pursuit, and no one would be aware of their presence unless he came directly upon them, or heard the whistle of their wings, in the dusk of the evening or the morning, as they move from one feeding ground to another. Early in the fall the woodcock moves southerly to his winter quarters—though single birds are sometimes found as late as November; a few will remain during the whole season along spring branches and other moist places in the vicinity of their breeding grounds, and there are some extensive marshes in the State where they are found in considerable numbers, but the greater part have left their early quarters for inaccessible haunts long before the present law allows them to be shot. Lying quietly in unfrequented places, rarely taking wing by day unless disturbed—and feeding and migrating by night—changing their grounds suddenly for others far distant, they are in little danger from the sportsman in Ohio. Their killing after the fourth of July will not endanger a tithe of the number bred in the State. If their numbers decrease at all, it will not be from the gun, but the opening up, ditching and drying out of our wet lands, where only they can subsist.

The passenger pigeon needs no protection. Wonderfully prolific, having the vast forests of the North as its breeding grounds, traveling hundreds of miles in search of food, it is here to-day and elsewhere to-morrow, and no ordinary destruction can lessen them, or be missed from the myriads that are yearly produced.

The snipe (*Scolopax Wilsonii*) needs no protection. It does not breed in Ohio, but merely tarries awhile in its migrations to and from its breeding grounds in the extreme north. During the month of April it is often plenty in wet meadows and other moist places, and furnishes good sport and a choice morsel for the table. As the woodcock and the snipe both lie closely, especially when approached, they can rarely be seen till they take wing, and are only in danger from the practiced sportsman. The snipe, too, like the pigeon, will take care of itself, and its yearly numbers cannot be materially lessened by the gun.

The wild goose does not, perhaps, need general protection, though if any linger here till near breeding time they should be spared. It may not be generally known that large numbers often winter in the vast cornfields on the Scioto river, in Southern Ohio, but they are approached with difficulty, and rarely killed.

The summer, or wood duck (*anas sponsa*), breeds in various places in Ohio, and should be spared from April to September. This is probably the only duck

which breeds in this State. In Southern Ohio neither geese nor ducks are shot in any great numbers. There the spring shooting is the best in the quantity, though not in the quality of the game, and it would not be readily surrendered. Upon the shores of Lake Erie it is different. Along its bays and marshes waterfowl congregate in vast numbers, and the time and method of killing are matters of great interest to sportsmen and the public.

It is the first large body of water which they reach in their spring movement to the breeding grounds of the North, and the last where they can delay, and strengthen themselves and their young, before their long flight to the marshes, lagoons, and bayous of the Gulf, where they winter. In this semi-annual flight, the shoal waters of Sandusky are a favorite resting and feeding place for almost all the varieties of waterfowl found in North America. In its marshes they find abundant food, and here even the famous Canvass-Back is said to rival in flavor those fattened upon the wild celery of the Potomac and Chesapeake.

It is stated that in their migrations northward, the waterfowl often reach the lake in the spring, while it is still covered with ice, and that while huddled in great numbers in the mouths of streams and other open places, they are slaughtered indiscriminately, and that too while poor and unfit for eating. It is also represented that they are killed and wounded in great numbers by the swivel or punt gun, which is a small cannon fixed to a boat, and that by these practices they are driven from their usual feeding grounds and places of resort, and are likely to be greatly diminished in numbers. It is the well known habit of waterfowl to follow the same line and stop at the same points in their migrations, and such a serious disturbance at this great half-way station, may eventually result in their seeking other quarters. To prevent this it is asked that the killing of waterfowl in the spring be prohibited altogether in certain counties, and that the use of the punt gun be absolutely forbidden. The petitions upon this subject have been so numerous, and the petitioners so respectable, that there evidently must exist good cause for complaint, and their request should be granted. The use of the punt gun along the sea board has been made illegal for like reason, and if it is necessary there, it is still more so here.

A local provision is supposed to be constitutional as to spring killing in the counties of Erie, Sandusky, Lucas and Ottawa, as the necessity for the law does not exist elsewhere.

There remain several other game birds which occasionally visit us, such as the rail, but their numbers are so few that they scarcely deserve notice.

The present game law has had a highly beneficial effect, and no change should be made in its provisions, unless it can be improved. The amendments believed to be advisable which have been indicated in this report, may be repeated—

1. Shortening the time of killing game generally.
2. Permitting the woodcock to be killed earlier.
3. Omitting snipe from the birds protected.
4. Including some additional birds in the game list.
5. Protecting others, useful and harmless, not before included, at all seasons.
6. Adding the penalty of imprisonment at the discretion of the court, to reach worthless persons.
7. Forbidding the destruction of waterfowl by the swivel or punt gun.
8. Protecting waterfowl in the vicinity of Sandusky Bay during the spring.

These modifications are all believed to be improvements to the present law, and as such are recommended to the consideration of the Senate.

It is contended by some that all persons should be prohibited by statute from shooting on the premises of another without permission. This seems hardly reasonable or necessary, and it certainly would be too severe to make it a criminal offence. Many sections of the State remain unimproved and unoccupied; of many tracts the owner may be unknown or a non-resident; in most cases the owners of land would have no objection, for no injury could result from it. Upon the whole, it would seem better to leave the matter as it is, holding every one responsible for any actual trespasses or breaches of the statute. It is certain that such a law could never be enforced, especially in the sparsely settled sections of the State.

It is also insisted by some that all hunting is useless and mischievous in its tendency, and ought to be discouraged, if not forbidden.

If by this is meant the indiscriminate pursuit and slaughter of all birds and game at every season of the year, without reference to their harmless or useful character, or their fitness for food, or if it is sought to discourage the idle and worthless who spend all their time in this way, without any proper purpose, or merely in pot hunting, there would be no difference of opinion upon the subject. But the object of a proper game law is to prevent this. It is to protect the agriculturist from trespasses at the season when his crops would be most likely to suffer from intruders; to preserve those birds that make war upon the enemies of the harvest, or gladden the homestead by their beauty and their songs. It is to spare the game which is choice and delicate for food till it shall have become mature, and its pursuit will combine profit with healthful exercise and recreation. The excitement of the chase has always had a charm for man. With *savage* nations it is followed partly from necessity for sustenance; but no *civilized* people, if at all athletic or warlike, has ever neglected it. It teaches the skillful use of weapons, gives vigor to the frame, and elasticity to the mind. Our English brethren understand its full value, and preserve with care such game as is suited to their country and condition, to be pursued at proper seasons, and under proper restrictions. To us, as

to them, the nobler kinds of game are denied. Such must be sought in distant lands. But we have at home, and within our reach, game of minor varieties, that if suitably cared for, will always remain to us. Its pursuit in moderation, and at proper seasons, will bring cheerfulness and strength to those who are overtasked in body and mind, and furnish a restoring diet to the invalid, and a luxurious one to the healthful.

To secure the highest benefit from exercise, it must be combined with amusement—and of all out-door amusements, perhaps the most fascinating is shooting birds upon the wing. The management and good conduct of a well trained dog in hunting—the exciting moment between the finding and sudden flight of the bird—the skill and coolness necessary to bring him down before he gets beyond range—and, lastly, the securing and bagging him, altogether make up a little drama complete and perfect in itself, that to be understood and enjoyed must be experienced.

The genuine and honorable sportsman is the friend and ally of the agriculturist. He will be found always ready to protect birds which are useful, destroy the rapacious and hurtful, to prevent trespasses, and enforce the laws. He pursues his favorite game at a season when the harvest is gathered in, and the fields can be traversed without injury, and he does it in a manner that no reasonable man can complain of. If he does otherwise, he is no true "brother of the gun."

The pursuit of game cannot be prevented, and it is useless to attempt it. It should be regulated, and for this purpose the highest skill and knowledge of the habits of birds and wild animals should be employed—the most reasonable and perpect rules established by statute, and all should unite in their rigid enforcement. Any other system will result in disappointment and failure.

Respectfully submitted.

WM. O. COLLINS,

Select Committee.

REPORT OF HOUSE SELECT COMMITTEE,

UPON SENATE BILL NO. 12, "FOR THE PROTECTION OF BIRDS AND GAME."

The select committee, to whom was referred S. B. No. 12, by Mr. Collins, for the protection of certain birds and game, have had the same under consideration, and report the same back, with the following amendments:

(1.) In line 2, of section 1, between the words "*to*" and "*kill*" insert the word "*catch.*"

(2.) Strike out the word "*or*" where it occurs between the words nut-hatch and "*creeper,*" in line 6, of section 1, and after the word "*creeper,*" in the same line, insert "*yellow hammer or flicker, woodpecker, warbler or finch,* or in any place to catch, kill or injure, or pursue with such intent, any quail or Virginia partridge, between the first day of February and the first day of September, or at any other season, except on the premises of the person so catching, killing, injuring or pursuing, or upon the public highway or commons."

(3.) Strike out "yellow hammer or flicker," where those words occur in line 9, of section 1.

(4.) Strike out "*quail or Virginia partridge,*" where those words occur in line 5, of section 2.

(5.) Strike out all after the word "*prohibited,*" in line 12, section 2, and all of lines 13, 14, 15 and 16.

With these amendments, the committee recommend the engrossment and passage of the bill.

W. B. WOODS,
ABEL KRUM,
W. B. McLUNG.

The select committee, to whom was referred S. B. No. 12, by Mr Collins, for the protection of certain birds and game, has had the same under consideration, and submits the following considerations in support of the amendments reported by the committee, and recommends the passage of the bill.

The General Assembly of 1857 passed an act for the protection of birds, which has secured the approval of the people of the State, and given great satisfaction to farmers and growers of fruit. The purpose of the bill under consideration is to extend the protection of the law to certain classes of birds not embraced by the provisions of the act of 1857. These are the wren, yellow bird, blue jay, creepers, and others of the smaller birds. To these the committee propose to add the woodpecker, warblers and finches. None of the birds above named are classed among gallinaceous or game birds, and he who destroys them does so either in wanton cruelty or from the mistaken idea that he is protecting his grain and his fruit.

The destruction of small birds by the heartless sportsman, all will condemn. There is nothing which so much enhances the beauty of our groves and gardens, and affords so much innocent pleasure to the intelligent lover of nature, as the graceful forms, the gay plumage, the sprightly movements, and the cheerful notes of these tenants of the air.

At all seasons they are a beauty and a joy, but when

> Spring
> Comes forth, her work of gladness to contrive,
> With all her reckless birds upon the wing,

they attract and charm us most. No sooner does "jocund day stand tip-tee on the misty mountain top," than their songs begin, and during all our waking hours their labors and their sports, their carols and flights delight us and our children, and give to our homes the most delightful charm. To punish the man who, from mere love of taking life, robs the landscape of one of its most attractive beauties, and the contemplative mind of one of its purest delights, is among the objects of this bill.

The passage of this measure is not, however, urged solely or mainly upon this ground. There is an argument in its favor of more practical force, and which will appeal to every agriculturist, horticulturist, and pomologist in the State.

The great value of our small birds, as destroyers of insects, worms, and the larvæ of insects, is arresting the notice of the farmers of the State. The attention of the committee has been called to this subject by the discussions of the Madison Township Farmers' Club, of Licking county, an association of intelligent and practical tillers of the soil, and upon their petition House Bill No. 430 was introduced. The well known fact that it has become almost impossible to produce a fair and perfect apple, plum, cherry, or peach, that our fruit trees are short-lived and sickly, is attributed by the Madison farmers to the increasing hordes of destructive worms and insects, and the increase of these pests to the destruction of the small birds, which are their natural enemies. The same cause is assigned for the increasing uncertainty of the wheat crop, and the great care and labor requisite for the protection of the young and tender corn from the ravages of bugs and worms.

The passage of this bill is therefore urged as a means of insuring and increasing our crops of fruit and grain, and of lessening the unrequited toil of the husbandman.

All the birds above named or protected by this bill, except the finches, are insectivorous. And we ask the attention of the House to some brief extracts from works on ornithology, showing their habits.

The first on the list is the wren. Wilson, in his American Ornithology, says of this bird: "The immense number of insects which this sociable little bird removes from the garden and fruit trees, ought to endear him to every cultivator."

Barton says of the same bird: "The esculent vegetables of a whole garden may perhaps be preserved from the depredations of different species of insects by ten or fifteen pairs of these small birds."

Of the blue-jay, Wilson says: "His favorite food is chesnuts and acorns, but he occasionally feeds on bugs and caterpillers."

"The food of the Yellow-hammer or Flicker," we are informed by the same author, "varies with the season; as the common cherries, bird-cherries and berries of the sour gum successively ripen, he regales plentifully on them, particularly on the latter, but the chief food of this species, or that which is most usually found in his stomach, is wood lice and the young and larvæ of ants, of which he is so immoderately fond that I have frequently found his stomach with a mass of these, and that only as large merely as a plum."

The woodpecker is also on the list, and such is the prejudice against this noisy and impudent fellow, that it is feared it will be difficult to persuade the House to throw over him the protection of the law. Yet a careful investigation of his character and habits will show that, with all his faults, he is one of the best friends of the farmer and pomologist.

Here are his good and his bad qualities, as given by Wilson:

"Wherever there is a tree of the wild cherry covered with ripe fruit, there you see him busy among the branches; and in passing orchards you may easily know where to find the earliest, sweetest apples, by observing those trees on or near which the red-headed woodpecker is skulking, for he is so excellent a connoisseur in fruit that whenever an apple or pear is found broached by him, it is sure to be among the ripest and best flavored. When the Indian corn is in its rich succulent milky state, he attacks it with great eagerness, opening a passage through the numerous folds of the husk, and feeding on it with great voracity. The girdled or deadened timber so common among cornfields in the back settlements, are his favorite retreats whence he sallies to make his depredations.

"Such are the vicious traits, if I may so speak, in the character of the red-headed woodpecker; and I doubt not, from what has been said on this subject, that some readers will consider it meritorious to exterminate the whole tribe as a nuisance; and, in fact, the Legislatures of some of our provinces, in former times, offered premiums to the amount of two pence per head for their destruction.

"But let us not condemn the species unheard. Though this bird occasionally regales himself on fruit, yet his natural and most useful food is insects, particularly those numerous and destructive species that penetrate the bark and body of the tree to deposit their eggs and larvæ, the latter of which are well known to make immense havoc. That insects are his natural food, is evident from the construction of his wedge-formed bill, the length, elasticity and figure of his tongue, and the strength and position of his claws, as well as from his usual habits. In fact, insects form at least two-thirds of his subsistence, and his stomach is scarcely

ever found without them. He searches for them with a dexterity and intelligence, I may safely say, more than human ; he perceives by the exterior appearance of the bark where they lurk below ; when he is dubious he rattles vehemently on the outside with his bill, and his acute ear distinguishes the terrified vermin shrinking within to their inmost retreats, where his pointed and barbed tongue soon reaches them. The masses of bugs, caterpillars and other larvæ which I have taken from the stomachs of these birds have often surprised me. These larvæ, it should be remembered, feed not only on the buds and leaves and blossoms, but on the very vegetable life of the tree, the albumem or newly forming bark and wood ; the consequence is, that the whole branches and the whole trees decay under the silent ravages of these destructive vermin. Witness the destruction of many hundred acres of pine trees in north-eastern South Carolina, and the thousands of peach trees that decay every year from the same cause. Will any one say that taking half a dozen or half a hundred apples from a tree, is equally ruinous with cutting it down, or that the services of a useful animal shall not be rewarded with a small portion of that which it has contributed to preserve. We are told in the benevolent language of Scripture, not to muzzle the mouth of the ox that treadeth out the corn, and why should not the same generous liberality be extended to this useful family of birds, which forms so powerful a phalanx against the inroads of many millions of destructive vermin ?"

Such is the defense made for the woodpecker by a gentleman who spent a lifetime in observing birds and their habits.

Rennie, in his Bird Architecture, thus speaks of another species of this bird : "Mounted on the infected branch of an old apple tree, where insects have lodged their corroding and destructive brood in crevices between the bark and wood, he labors sometimes for half an hour incessantly at the same spot before he has succeeded in dislodging and destroying them."

Mudie, in his Feathered Tribes, speaks of the woodpecker as follows : "It digs its way to the insects which are in the tree, with its beak, but uses its tongue in extracting them. This organ is extensible, barbed with reflected bristles, and also supplied with a glutinous fluid at the tip, so that whenever it can reach the prey, it draws out the larger as with a hook, and catches the smaller as with birdlime. The surface insects it catches with the tongue only, and the number of these that it does catch, and the rapidity with which they are taken, are both truly wonderful."

With these extracts, the woodpecker is left to the verdict of the House.

Of the creepers, Wilson thus speaks : "The genus of creepers comprehends about thirty different species, many of which are richly adorned with gorgeous plumage, but like their congenial tribe the woodpeckers, few of them excel in

song ; their tongues seem better calculated for extracting noxious insects from the bark of trees, than for trilling out sprightly airs ; as the hardened hands of the husbandman are better suited for clearing the forest or guiding the plow, than dancing among the keys of a forte piano. Which of the two is the more honorable and useful employment is not difficult to determine. Let the farmer, therefore, respect this little bird for its useful qualities in clearing his fruit and forest trees from destructive insects, though it cannot serenade him with its song."

Of warblers, there are between thirty and forty varieties, but most of them are insectivorous, and all small and harmless. One of these varieties is called the "worm-eating" warbler, and is thus spoken of by Wilson :

"This bird is remarkably fond of spiders, darting about whenever there is a probability of finding these insects. If there be a branch broken and leaves withered, it shoots among them in preference to every other part of the tree, making great rustling in search of its prey. I have often watched its manœuvres while thus engaged, and flying from tree to tree in search of such places. On dissection, I have uniformly found their stomachs filled with spiders or caterpillars, or both."

The class of birds known as finches is numerous ; their plumage is beautiful, and they have no mischievous habits. They are not, however, insectivorous, but feed on the seeds of lettuce, alder and thistle. All who have ever thumbed the old American spelling-book of Noah Webster, well remember Cowper's fine description of one of this class of birds in the lines, "On a goldfinch starved to death in his cage" :—

"Time was when I was free as air,
The thistle's downy seed my fare,
My drink the morning dew ;
I perched at will on every spray,
My form genteel, my plumage gay,
My strains forever new."

The committee, acting on the petition of the Madison Farmer's Club, and many other agriculturists, recommends that the quail or Virginia partridge be protected at all seasons of the year. The ground of this suggestion is, not that these birds may be exclusively taken by the owners of the soil, but because they are found to be among the most useful of our insectivorous birds, and very destructive to the pests which prey upon the grain crops.

Speaking of this bird, Mudie lays down the general rule "that all birds that feed upon the ground live almost exclusively upon insects, when they are young, and at all periods of their lives prefer insects to any other food;" and then proceeds thus :

"The partridge follows the march of civilization ; it multiplies exceedingly, and

no persecution can drive it into the wilderness. Naturally speaking, the partridge is, therefore, part and parcel of our agriculture, and though the farmer may see it only as an evil in the portion of grain that it destroys, yet it must have good in it, and that good must counterbalance the evil. The *weevil*, the *cynips*, and the *tipulæ* come along with cultivated grain and cultivated vegetables and roots, in countless myriads, to consume those surplus seeds and grains, which, if man did not take them for his use, would choke all else and each other. But as man takes the produce of vegetables, the partridge and other birds which frequent the cultivated fields, come and consume that, which but for them, would deprive man of his produce, and do it in a way which he could not prevent or materially check. It is true that when the insects have disappeared for the season, and those seeds which the birds have been so instrumental in preserving are matured, the birds take their share; but in justice, why should they not, for they are the preservers of the whole."

The same author, in another place, remarks: "The young of the partridge feed on small insects, larvæ, and insects' eggs, and the old ones lead them to the places where they are deposited and scrape away the mould. An ant-hill in friable soil is a fat pasture, and myriads of the eggs and larvæ are eaten by the young partridges."

In confirmation of these views of one of the most accurate of ornithologists, it is proper to state, that during one of the late discussions of the Madison Farmers' Club, one of the members stated, that during the last year he had killed a quail, and on examination of its stomach, found it to contain three hundred specimens of that insect, so destructive to the wheat crop, known as the midge.

In further support of this recommendation of the committee, it is suggested, that, in many parts of the State, the quail has been almost exterminated by the gun and the severe cold of several of our late winters. Is it not, therefore, wise to protect this bird, for two or three years, at all events, in order that it may increase and multiply?

In conclusion the committee, for the reasons above given, earnestly recommends the passage of the bill, with the proposed amendments.

Respectfully submitted,

W. B. WOODS,
W. B. McCLUNG,
ABEL KRUM.

AN ACT

For the protection of certain birds and game.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person at any time to catch, kill or injure, or to pursue with such intent, on the premises of another, or on the public highways, streets, alleys, or public common, any sparrow, robin, blue-bird, martin, thrush, mocking-bird, swallow, oriole, red-bird, cat-bird, chewing or ground robin, king-bird, bob-o-link, yellow-bird, pewee or phœbe, wren, cuckoo, indigo-bird, nut-hatch, creeper, yellow-hammer or flicker, warbler or finch; or in any place to catch, kill or injure, or pursue with such intent, any quail or Virginia partridge, between the first day of February and the first day of October: Provided, it shall be also unlawful for any person, at any time, to enter the enclosure of another for the purpose of netting quail or Virginia partridge, without his permission; or at any time after the first day of February and b fore the first day of October, to catch, kill or injure, or to pursue with such intent, any dove, wild rabbit or hare, except on the premises of the person so killing, injuring or pursuing.

Sec 2. It shall be unlawful for any person, at any time between the first day of February and the first day of S ptember, to catch, kill or destroy, or to pursue with such intent, any wild turkey, ruffed grouse, or pheasant, pinnated grouse or prairie chicken, or any wild deer; or at any time between the first day of February and the first day of October, to catch, kill or destroy any meadow-lark or kill-deer; or at any time between the first day of February and the fourth day of July, to catch, kill or destroy any woodcock; or at any time between the fifteenth day of April and the first day of September, to catch, kill or destroy any wild goose, wild duck, teal, or other wild duck; or to purchase, or to have in his possession, or expose to sale any of the birds or game mentioned in this act, so caught or killed during the season when the catching, killing, injuring or destroying the same is hereby prohibited.

Sec. 3. And it shall also be unlawful for any person, at any time after the passage of this act, by the aid or use of any swivel, punt gun, big gun (so called), or any gun other than the common shoulder gun; or by the aid or use of any punt boat, or sneak boat used for carrying such gun, to catch, kill, wound or destroy, or to pursue after with intent to catch, kill, wound or destroy, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort within the state of Ohio, any wild goose, wood-duck, teal, canvass-back, blue-bill, or other wild duck.

Sec 4. It shall be unlawful for any person to destroy or disturb the eggs of any of the birds protected by this act.

SEC. 5. Any person offending against any of the provisions of this act, shall, on conviction, be fined in any sum not less than two dollars nor more than twenty dollars for each offense, with costs of prosecution, or be imprisoned in the county jail not more than twenty days, or both, at the discretion of the court.

SEC. 6. All prosecutions under this act shall be in the name of the state of Ohio, before any justice of the peace, or other officer or court having jurisdiction; and all fines imposed or collected in such cases, shall be paid into the county treasury, for the benefit of common schools.

SEC. 7. The act entitled "an act to prevent the killing of birds and other game," passed April 10, 1857, is hereby repealed: Provided, that such repeal shall not affect the prosecution of offenses committed against said act before the passage of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 30, 1861.

Amount received for entry fees	$37 00
Amount received for rents	48 00
Total receipts	$806 95
Expenditures	442 36
Balance in treasury	$364 59

OFFICERS.—T. B. Reber, President; H. J. Starr, Vice President; Curtis Berry, Jr., Secretary; A. J. Failor, Treasurer. *Managers*—McD. M. Carey, Wesley Hughes, J. D. Sears, T. C. Dye, F. F. Fowler.

ADDENDA.

CORRECTIONS TO THE CATALOGUE OF BIRDS.

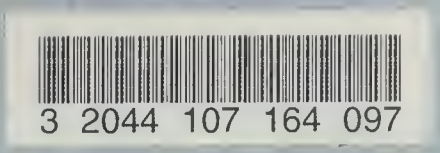
Since the Catalogue of Birds was put in type, we have received from Mr. Winslow, of Cleveland, the names of the following species, which have been taken in the northern portion of the State:

SAYORNIS, Bon. borealis, Sw. Olive-sided Flycatcher.
TURDUS, L. Swainsonii, Cab. Olive-backed Thrush.
COLLYRIO, Moehring. excubitoroides, Sw. White-winged Shrike.
THIOTHORES, Vieill. Bewickii, Aud. Bewick's Wren.
GRUS, L. canadensis, L. Brown Sand-hill Crane.
HIMANTOPUS, Briss. nigricollis, Vieill. Black-necked Stilt.
PHALAROPUS, Briss. hyperboreus, L. Northern Phalarope.
" fulicarius, L. Red Phalarope.
TRINGA, L. canutus, L. Gray back Sandpiper.
" maratima, Brunn. Purple Sandpiper.
" alpina, L. Red-backed Sandpiper.
CALIDRIS, Cuv. arenaria, L. Sanderling.
MICROPALMA, Baird. himantopus, Bon. Stilt Sandpiper.
NUMENIUS, L. borealis, Forster. Esquimaux Curlew.
HISTRIONICA, Less. torquata, Bon. Harlequin Duck.
GRACULUS, L. carbo, L. Common Cormorant.

Two birds in the Catalogue have perhaps been inserted without sufficient authority. They are *Perisoreus canadensis*, the Canada Jay, and *Tetrao canadensis*, the Canada Grouse.

With the above additions, the number of species found in the State will be increased to 285.

J. M. W.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